Cr 1007 Single Bench

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION NO. 4678 /2004

PETITIONER

P.R. No. 4688/04 Presented by Shri R.S. Dubey dated 01-12-04

Smt Geeta Rani Devnath (Smt. G.R. Devnath), aged about 46 years, daughter of Nakuleshwar Sharma, Working as A.N.M. Community Health Centre, Gharghora, Distt. Raigarh (C.G.)

VERSUS

RESPONDENTS

1. State of Chhattisgarh, through : Secretary, Department of Health, Dau Kalyan Singh Bhawan, Raipur (C.G.)

2. The Director, Department of Health, Raipur (C.G)

3. The Chief Medical and Health Officer, Raigarh.

4. The Block Medical Officer, Community health Centre, Gharghora, Block – Gharghora, Distt. Raigarh (C.G.)

RECEIVED COPY 01/12/04. Clerk to A.G. Bilaspur

WRIT PETITION UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN THE NATURE OF CERTIORARI / MANDAMUS ETC.

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.No. 4678/2004 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

24.02.2005

Shri Roshan Dubey, learned counsel for the petitioner.

Shri Sandeep Dubey, learned Panel Lawyer for the State/ respondents no. 1 to 4.

Learned counsel for the petitioner submits that the petitioner is a nurse (A.N.M) in the Health Department of State of Chhattisgarh. She was working in Community Health Center, Gharghora as a Staff Nurse. By order dated 09.08.2004 (Annexure P-1) passed by the Block Medical Officer she was directed to join as Staff Nurse at Primary Health Center, Bahirkela. Learned counsel for the petitioner refers to the document (Annexure P-11) which is an order dated 08.11.2004 passed by the Chief Medical Officer, Raigarh, in which it has been directed that the petitioner shall work in Gharghora until further directions. The submission of learned counsel for the petitioner is that after passing of this order dated 08.11.2004 by the Superior Authority, the order dated 09.08.2004 (Annexure P-1) stands automatically suppressed (superseded), even after this the Block Medical Officer Gharghora is not allowing the petitioner to work at Gharghora.

On the last date of hearing i.e. 14.1.2004 this Court has observed the situation and learned counsel for the State had taken time to verify about the same from the concerned authorities.

Learned counsel for the State is not in a position to clarify the situation as no response has been received to the communication sent by the Office of the Accountant General in this regard. It is not only unfortunate, but is highly surprising to note that even after passing of the

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मायला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

order by an higher authority i.e., the Chief Medical Officer, Raigarh, the same is not being respected by his subordinate authority i.e., the Block Medical Officer, Gharghora. It is expected that the orders passed by the higher authorities are complied and duly respected by the lower authorities for due and proper functioning of the department. The Block Medical Officer who is arrayed as respondent no.4 will take notice of this fact.

This petition is disposed of at this stage with a direction that the petitioner will file a representation before respondent no.3/ the Chief Medical and Health Officer, Raigarh and a copy to respondent no.4, within 15 days alongwith a copy of this order and if such representation is filed, the same shall be disposed of by the C.M.O., Raigarh within 15 days. It is expected that respondent no.4 will comply with the orders passed by the higher authorities.

With these observations, the petition stands disposed of at this stage.

It is made clear that even after filing of the representation alongwith a copy of this order and disposal of the same, if respondent no.4 does not work in line, the matter shall be viewed seriously.

Accordingly, M.W.P.4976/04 and I.A.No.9308/04 for urgent hearing stand disposed of.

C.C. as per rules.

Sd/-
Sunil Kumar Sinha
Judge

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